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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Vasudevan Subramanian

Serial Number:

10/001,296

Filed:

11/02/2001

Group Art Unit:

2616

Examiner:

Wong, Warner

Title:

A METHOD FOR ALLOCATING WIRELESS

COMMUNICATION RESOURCES

REQUEST FOR RECONSIDERATION

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Non-Final Office Action mailed on November 13, 2006.

Applicant respectfully requests reconsideration of this application. Applicant respectfully submits that there is no prima facie case of obviousness against any of claims 1-19 and, therefore, respectfully traverses the rejection under 35 U.S.C. §103 based upon the proposed combination of the Gitlin and Wan references. The Examiner properly acknowledges that Gitlin does not describe using a rate of change of channel quality for adjustments in wireless communication. The Examiner then proposes to extract the teachings of paragraph 56-57 of Wan and substitute those into the Gitlin reference. That proposed combination cannot be made because it does not provide any benefit or usefulness in the context of the Gitlin reference. Where a proposed combination does not provide any benefit or there is no usefulness for it within the context of the primary reference, the combination cannot be made and there is no prima facie case of obviousness.

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The Wan reference teaches using a level or quality of a received signal for the purpose of determining a speed of a mobile unit traveling through a cell, which is used for controlling a rate at which the mobile unit scans for neighboring cells. The manner in which a mobile unit scans for neighboring cells has nothing to do with the way in which users are scheduled in the Gitlin reference. In other words, the teachings of the Wan reference extracted by the Examiner provide no benefit and have no usefulness in the context of the Gitlin reference. Therefore, the combination cannot be made and there is no prima facie case of obviousness.

Additionally, Applicant respectfully disagrees with the Examiner's interpretation of the Gitlin reference. The paragraph in column 8 beginning at line 36 discusses how higher speed users contribute more noise or interference than users with lower bit-rates. It is focusing on keeping interference below an acceptable threshold by trading off between a large number of low-bit users and a smaller number of high-speed users. Scheduling in that manner is not the same thing as what the Examiner states is taught in the Gitlin reference on page 2 of the most recent Office Action. Therefore, even if the Gitlin and Wan references could somehow be combined, the result is not what the Examiner contends and there is no prima facie case of obviousness.

Applicant respectfully submits that all claims are allowable. A Notice of Allowance is requested as soon as possible.

Respectfully submitted,

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Dated: April 13, 2007

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## CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration relative to Application Serial No. 10/001/298 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-3200) on April 13, 2007.

Theresa M. Palmateer

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